

**Town of Bethany Beach
Planning Commission Minutes
June 20, 2009**

The Bethany Beach Planning Commission held a meeting on Saturday, June 20, 2009 in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided: Donald Doyle, Faith Denault, Kathleen Mink and Fulton Loppatto. John Gaughan was officially excused from this meeting.

Also present: Vice-Mayor Carol Olmstead, Councilwomen Margaret Young, Councilman Joseph Healy, John Eckrich, Building Inspector, Seville Pettit, Administrative Secretary, Patricia Titus of the Coastal Point and interested members of the public.

The meeting was called to order at 9:00 a.m.

OPENING OF MEETING

Approval of Agenda

Mr. Loppatto made a motion to approve the agenda. The motion was seconded by Ms. Denault and unanimously approved.

Discussion/ Approval of the Planning Commission Minutes of May 16, 2009

The minutes for the May 16, 2009 Planning Commission will be approved at the meeting that will be held on July 18, 2009.

Announcements/ Comments/ Updates

Non-Residential Design Review Update (Killmer)

Mr. Killmer reported there was no meeting for the month of June.

Comments/ Updates Regarding the June Town Council Meeting (Killmer)

Mr. Killmer reported the beach replenishment has been completed and the pipes and machinery will be removed in the next few days. Delaware Department of Natural Resources and Environment Control (DNREC) are currently replacing the fencing and restoring the crossovers for the dunes.

The Town received a \$100,000 grant from the Army Corp of Engineers to evaluate the flooding problem on Pennsylvania Ave. and to hopefully suggest a way to resolve the issue.

At the June Town Council meeting was the first reading of the proposed ordinance for the installation and maintenance of Geothermal HVAC systems. The members of the Town Council had no questions or comments at this time.

Comments, Q&A and Discussion for Planning Commissioner Members

There was no discussion at this time.

PUBLIC COMMENT/ QUESTIONS FOR THE PLANNING COMMISSION

There was no discussion at this time.

NEW BUSINESS

Consider the application for a major subdivision filed by Mr. John Cooper, Ms. Carolyn Hockman, Mr. John and Mr. William Addy with Ms. Christine Addy for properties identified as Lots #3 and #5, Block 140 located at 67 and 69 Kent Avenue, in the R-2 Zoning District. (All)

Mr. Eckrich introduced the application for a proposed major subdivision for properties owned by the Addy and Cooper families located at 67 and 69 Kent Avenue. Mr. Eckrich also noted the application was properly advertised in the newspaper, placed on the Town Website, posted on the properties and at five places in the Town which are the Town Hall, the PNC Bank, the Town Bandstand, the United States Post Office and the Sussex County Library.

Mr. Jeffery Clark of Landtech and Michael Kobin engineer with George, Miles & Buhr presented the proposed application for a major subdivision located at 67 and 69 Kent Avenue.

The proposed major subdivision will consist of 16 single-family units reduced from the initially proposed 18 single-family units to accommodate the requirement for a larger than initially proposed stormwater management system. The plans call for the creation of two streets with curbs and sidewalks as well as street lightning. Entrance to the proposed major subdivision will be made via Kent Avenue. Mr. Clark also noted that the both lots will probably have to be clear cut of all of the brush and mature trees so that the entire site can be elevated and regraded to have a fully functional stormwater management system.

Mr. Killmer stated the community of Bethany Beach places a very high value on the preservation of mature healthy trees on properties and requested Mr. Clark to prepare a landscaping plan that includes the location and identification of all of the mature trees on the two properties as well as making every effort to preserve as many of the mature trees as possible.

Ms. Mink stated that the Town's Tree Ordinance has a requirement for trees of a certain dimension that are removed and are located outside of the footprint in the common areas are required to be replaced.

Mr. Jeffery Clark expressed, the guidance of the Planning Commission members is needed in preparing a proposed plan to be presented to the public. Mr. Clark also stated it is critical the Town Engineer review the proposed plan to determine which trees can be saved. Mr. Killmer expressed to Mr. Clark that it is up to the applicants to hire a professional landscaper to develop a proper landscaping plan that meets the requirements addressed in the Town Code for major subdivisions not the members of the Planning Commission or the Town's engineering firm.

Mr. Killmer opened the discussion up to the public at this time.

Mrs. Elaine Murphy of 523 Doral Drive stated that she was opposed to the trees being taken down on the properties.

Mr. William Duveneck of 59 Kent Avenue stated that he was opposed to the trees being taken down on the properties.

Mr. Robert Bradley of 417 Beachwood Lane had various concerns and comments that were submitted in writing to the Planning Commission members. Mr. Bradley made a presentation to the Planning Commission with copies given to the members of the Planning Commission, Mr. Clark and the Addy and Cooper family members in attendance. The Planning Commission requested that each of Mr. Bradley's concerns be addressed at the continuation of the preliminary plan hearing, which will be at the July PC meeting.

Mr. Ronald and Bonita Vickers of 406 Lekites Avenue concerns were about the drainage and the trees left in the open space.

Mr. Thomas Lizau of 405 Beachwood Lane concerns were that there were no visual aids illustrating the look for the proposed drainage plans. Mr. Killmer requested that at the July PC meeting, Mr. Clark have computer-generated representations of the berms and associated stormwater management system. Mr. Clark felt that was a good idea and agreed to generate visual aids of the proposed stormwater management system.

As the discussion came to an end, Mr. Killmer stated he would like to continue this review of the preliminary plans at the July PC meeting. The applicant as well as their representatives agreed to a continuance for further review of the proposed major subdivision. There was a small recess before continuing on with the meeting.

OLD BUSINESS

Continue Review and discuss Kathleen Mink's latest draft of proposed topics/questions for the Planning Commission's proposed survey (Mink)

Ms. Mink proposed to discontinue the survey to be included in the 2010 Comprehensive Plan and continue the survey as a single separate project sometime in the future.

After further discussion, the Planning Commission members agreed to work on the survey as a separate project.

Begin discussion of a proposed ordinance to regulate the installation and use of solar energy

Tabled until next month.

ADJOURN

Ms. Mink made a motion to adjourn. The motion was seconded by Ms. Denault and unanimously approved. The meeting was adjourned at 11:23 a.m.

Respectfully Submitted,

Seville Pettit Administrative Secretary